

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

GERARD DUENAS, HAROLD GOLDMAN,

Plaintiffs,

vs.

STEVEN FREITAS, AKA STEVE
FREITAS, in his Official and Private
Capacity, SONOMA COUNTY SHERIFF'S
DEPARTMENT, KATHRYN STRALEY in
her official and private capacity, DEUTSCHE
BANK, NATIONAL TRUST COMPANY,
MICHAEL S. AND MARY C.
BASKAUSKAS, DOES 1-15, Inclusive,

Defendants.

Case No: C 13-0836 SBA

**ORDER DENYING PLAINTIFFS'
EMERGENCY REQUEST FOR
TEMPORARY INJUNCTION
DURING APPEAL**

Dkt. 37

Plaintiffs Gerard Duenas ("Duenas") and Harold Goldman ("Goldman") previously filed the instant action to enjoin the eviction of Goldman from property rented to him by Duenas, who has since lost the property through non-judicial foreclosure. The Court dismissed the action on June 28, 2013.

On July 5, 2013, Plaintiffs concurrently filed a Notice of Appeal with the Ninth Circuit, Dkt. 36, as well as an Emergency Request for Temporary Injunction During Appeal. Dkt. 37. In their request, Plaintiffs claim that on July 3, 2013, Defendants served a notice to vacate requiring them to vacate the premises by July 15, 2013. As a result, Plaintiffs seek an "emergency" stay of the eviction notice for a period of thirty-five days so that they can seek appropriate "urgent" relief from the Ninth Circuit.

1 Instead of waiting for the Court's ruling on their emergency request, on July 9, 2013,
2 Plaintiffs filed an emergency request before the Ninth Circuit to stay the eviction. On July
3 10, 2013, the Ninth Circuit summarily denied Plaintiffs' motion. Duenas v. Freitas, Ninth
4 Cir. Ct. of Appeal, No. 13-16372, Dkt. 4. Accordingly,

5 IT IS HEREBY ORDERED THAT Plaintiffs' Emergency Request for Temporary
6 Injunction During Appeal is DENIED as moot. This Order terminates Docket 37.

7 IT IS SO ORDERED.

8 Dated: July 10, 2013


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 GERARD DUENAS et al,

5
6 Plaintiff,

7 v.

8 STEVEN FREITAS et al,

9 Defendant.
10 _____/

11 Case Number: CV13-00836 SBA

12 **CERTIFICATE OF SERVICE**

13
14 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
15 Court, Northern District of California.

16 That on July 11, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said
17 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
18 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
19 located in the Clerk's office.

20
21 Gerard Duenas
22 6285 Sonoma Highway 12
23 Santa Rosa, CA 95409

24 Harold Goldman
25 6285 Highway 12
26 Santa Rosa, CA 95409

27 Dated: July 11, 2013

Richard W. Wieking, Clerk

28 By: Lisa Clark, Deputy Clerk